

Notice of Allowability	Application No.	Applicant(s)	
	09/515,348	SPENCE, CHRISTOPHER A.	
	Examiner	Art Unit	
	Brian P. Werner	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS**. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment of 9/28/2005, Appeal Brief of 4/24/2006, and interview of 8/10/2006..

2. The allowed claim(s) is/are 5-20 and 24-26 (renumbered as 1-19).

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
- 4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
- 5. Notice of Informal Patent Application (PTO-152)
- 6. Interview Summary (PTO-413),
 Paper No./Mail Date attached.
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jason A. Worgull on August 11, 2006.

The application has been amended as follows:

Amend claim 25, line 13 (as presented in the September 28, 2005 after final amendment – approved for entry by the examiner) as follows:

After “ideal wafer structure”, insert -- representing the desired structure on a fabricated wafer to be transferred by the mask --

Allowable Subject Matter

2. Claims 5-20 and 24-26 are allowed. These claims will be renumbered as 1-19.

3. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or suggest, in the context of claim 25, the comparison of the first and second simulated wafer structures, the first being simulated from an actual image of a mask and the second being simulated from mask design data, to an ideal wafer structure representing the desired structure on a fabricated wafer to be transferred by the mask. While the prior art Chang et al. (US 6,757,645 B2) teaches the comparison of two simulated wafer structures 2020 and 2050 at figure 20, with mask design data at 2040, Chang does not teach comparison with an "ideal wafer structure representing the desired structure on a fabricated wafer to be transferred by the mask". Chang's design data 2040 represents mask design data, and as described by the applicant in the Appeal Brief filed on April 24, 2006, at page 7, "it is generally understood in the art that "original design layout of the captured mask image" (i.e., mask design data) is not equivalent to an "ideal wafer structure." For example, mask design data generally would include optical proximity correction (OPC) modifications, while an ideal wafer structure (or data corresponding thereto) would not include such OPC modifications". The examiner agrees with this assessment. The examiner's amendment which resulted in allowability served to clarify the fact that the claimed "ideal wafer structure" was indeed the desired structure, as it would appear on an actual wafer, rather than an idealized mask structure corresponding to subsequent wafer structure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Werner whose telephone number is 571-272-7401. The examiner can normally be reached on M-F, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Werner
Primary Examiner
Art Unit 2624
August 11, 2006



BRIAN WERNER
PRIMARY EXAMINER